No. 73-1205

APR 2
MICHAEL RODAK

In the Supreme Court of the United States

OCTOBER TERM, 1973

DENNIS A. MCGINNIS, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITIONER FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

ROBERT H. BORK,
Solicitor General,
Department of Justice,
Washington, D.C. 20530.

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After a jury trial in the United States District Court for the District of Colorado, petitioner was found guilty of aiding and abetting in the distribution of methylenedioxy amphetamine (MDA) in violation of 21 U.S.C. 841(a)(1) and 18 U.S.C. 2. He was given a six year indeterminate sentence under the Youth Corrections Act, 18 U.S.C. 5010(b).[1] The court of appeals affirmed.

Petitioner's sole contention is that the evidence was insufficient to support his conviction. This contention was thoroughly discussed and properly rejected by the court of appeals, which found "substantial evidence in the

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[1]Co-defendants Dennis Stochert and Jerome Bauer entered guilty pleas.

record to establish that [petitioner] associated himself with the unlawful venture." (Pet. App. 18). We rely on that opinion in urging that the petition for a writ of certiorari be denied.

Respectfully submitted.

ROBERT H. BORK,
Solicitor General.

APRIL 1974.